

SENATOR DE CAMP: Okay, any person knowingly and unlawfully, a police officer might knowingly possess marijuana because he had siezed it or for some other reason, therefore, he would not be in violation, do you follow? That's why we have that other word.

SENATOR KELLY: Thank you. I've got one more, Senator DeCamp. This is section sixteen, on page ten, line twenty four, have we discussed this and I missed the discussion?

SENATOR DE CAMP: Section sixteen.

SENATOR KELLY: Fifteen, one five. On page ten. No county, municipality or other political subdivision may adopt or enforce a local law, ordinance, resolution or rule having the force of law that includes drinking, being a common drunk or being found in an intoxicated condition as one of the elements of the offenses given rise to a criminal penalty or sanction. That's the one. Have we discussed that on this floor today?

SENATOR DE CAMP: No.

SENATOR KELLY: Would you please explain to me in detail what the purpose is and what the effect is of section fifteen? That's one five.

SENATOR DE CAMP: Okay, that is out of Senator Nichol's legislation. Senator Nichol had been trying and others have tried over the years to say public intoxication is not a crime, is not anything and they had all kinds of elaborate systems set up. I'm still keeping it an offense and I'm saying, however, we keep it as an offense. We give the police officer authority to take the person into custody for their protection or for the person's protection. In other words, seize or arrest, whatever you want to call it. However, we are saying here that a county or city can't go ahead and make a separate law different from this. For example, making it a felony or misdemeanor to be publicly intoxicated. The other section you were talking about makes it clear that this doesn't change in any way any of the laws on drunken driving or anything else. We're dealing strictly with the issue of public intoxication for which the traditional fine, I think in Lincoln is about \$10, but it costs us, who knows. Some people say up to a \$1,000 to process them. Some people say \$100, \$200. It takes police officer's time.

PRESIDENT: You have one minute, Senator Kelly.

SENATOR DE CAMP: I'm not willing to eliminate all penalties on public drunkenness. I want to keep some control over it and that's why I fought that other bill all these years and I think this is...

SENATOR KELLY: To recap my presentation to you, is that this bill would create a new "infraction" in the criminal code and it would legalize public drunkenness.

SENATOR DE CAMP: Not at all.

PRESIDENT: Senator Venditte.

SENATOR VENDITTE: Mr. President, members of the Legislature, now that I have had some time to take a look at the amendments to 187, I have some serious concerns and I think it's